

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

GARY L. LEWIS,

Plaintiff,

vs.

SAN PABLO LYTTON CASINO & CHRIST  
TOPHER

Defendants.

Case No: C 11-5060 SBA

**ORDER DISMISSING ACTION**

Plaintiff Gary L. Lewis filed the instant pro se action, apparently pursuant to 42 U.S.C. § 1983, against San Pablo Lytton Casino and “Christ Topher,” along with a request to proceed in forma pauperis (“IFP”). Dkt. 1, 4. On November 18, 2011, the Court dismissed the action for failure to state a claim, and gave Plaintiff until December 9, 2011 to amend his complaint. Dkt. 15. The Court expressly warned Plaintiff that if he failed to file an amended complaint by that deadline, the Court would dismiss the action under Federal Rule of Civil Procedure 41(b) and terminate the action. *Id.* at 4. To date, Plaintiff has not filed an amended complaint. As such, the Court finds that dismissal of the action is appropriate. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

IT IS HEREBY ORDERED THAT the instant action is DISMISSED without prejudice. The Clerk shall close the file and terminate any pending matters.

IT IS SO ORDERED.

Dated: January 17, 2012

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 LEWIS et al,

5 Plaintiff,

6 v.

7 SAN PABLO LYTTON CASINO et al,

8 Defendant.  
9 \_\_\_\_\_/

Case Number: CV11-05060 SBA

10 **CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on January 17, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Gary L. Lewis  
19 P.O. Box 99194  
20 Emeryville, CA 94608

21 Dated: January 17, 2012

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk  
23  
24  
25  
26  
27  
28